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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/469,597	12/22/1999	JAMES E. ANGELO	S01.12-0543	5141

27365 7590 09/25/2006

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ART UNIT	PAPER NUMBER
2627	

DATE MAILED: 09/25/2006

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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/469,597
Filing Date: December 22, 1999
Appellant(s): ANGELO ET AL.

James E. Angelo et al
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed November 12, 2004 appealing from the Office action mailed September 07, 2004.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5,862,015	**Evans et al**	**01-1999**
6,362,542	**Novotny**	**03-2002**

(9) Grounds of Rejections – 35 U.S.C. 102

Claims 23 and 25 are rejected under 35 U.S.C. 102(e) as being anticipated by Evans et al.

With regards to claim 23, Evans discloses an assembly (see figs 1 and 3 element 8, fig.8 element 12, fig 10 element 312 and disclosure thereof) comprising an actuator (see figs. 1, 3, 8 element 10 and fig.10 element 310 and disclosure thereof) **(However, after further review of the reference to Evans et al. elements 10 and 21 in fig 3 and elements 338,334, 329a, 329b and 310 in fig. 10 are considered as the actuator)** coupled to the movable suspension assembly; and a detector (see figs. 1 and 3 element 30, fig.10 element 330, disclosure thereof and col.5 lines 3-12) coupled to the actuator (see figs. 1, 3 element 10, fig.8 elements 234, 10, fig.10 element 310 and disclosure thereof) and configured to receive a signal proportional to vibration of the movable suspension assembly.

With regards to claim 25 Evans et al further discloses a controller coupled to the actuator and configured to transmit a signal to the actuator to move the suspension assembly (see fig. 10 and col.8 lines 10-46).

Rejection Under 35 U.S.C. 103

Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Evans et al (5,862,015) in view of Novotny (6,362,542).

With regards to claim 24, Evans et al discloses the invention as described above in this office action. Evans et al fails to specify that the actuator is one of a piezoelectric or electrostatic actuator.

Novotny, however discloses that the actuator (transducer) that is responsive to the head movement is a piezoelectric or electrostatic (see col.1 lines 35-37).

It would have been obvious to one of ordinary skill in the art at the time this invention was made to modify Evans et al with the above teachings from Novotny to provide an actuator that is piezoelectric or electrostatic since both are well known as an alternate material and hence to provide user with an alternate since no unexpected results are to occur.

(10) Response to Argument

Appealed claim 23

Appellant argues that "Evans et al do not disclose 'a detector coupled to the actuator and configured to receive a signal from the actuator proportional to vibration of the movable suspension assembly,' as recited in claim 23."

The Examiner disagree, because after further review of the reference, Evans et al. Clearly indicates the detector coupled to the actuator and configured to receive a signal from the actuator proportional to vibration of the movable suspension assembly as recited in the Appellant's claimed invention. Specifically, Evans et al disclose an assembly comprising a movable suspension assembly (see fig.10 and disclosure thereof); an actuator (see elements 10 and 21 in fig 3 and elements 338,334, 329a, 329b and 310 in fig. 10 are considered as an actuator); and a detector (see fig. 10 element 330) coupled to the actuator and configured to receive a signal proportional to vibration of the movable suspension assembly.

Appellant further argue, that the office action suggests strain gauges are actuators.

Again, the Examiner disagree, because, as indicated above, the strain gauges alone are not considered actuators, however, the strain gauge (i.e. 310 in fig. 10 disclosed by Evans et al) makes up a portion of the actuator (elements 338,334,329a, 329b and 310 in fig.10).

Appellant also argue, that the actuators in Evans et al. i.e. microactuator 338 in fig. 10 do not provide a signal that is proportional to vibration of a movable suspension assembly.

The Examiner disagrees because, as described above, the element 310 in fig.10 that is considered part of the actuator does provide a signal that is proportional to vibration of a movable suspension assembly (see col.8 lines 35-46).

Appealed claim 25

Appellant argue, that Evans et al do not disclose that a controller transmits a signal to strain gauges to move the suspension assembly because the strain gauges are not actuators.

The Examiner disagree, because, as described above, the elements 310 in fig. 10 and element 10 in fig. 3 alone are not actuators, however, the strain gauge (i.e. 310 in fig. 10) makes up a portion of the actuator. As shown in fig.3, Evans et al discloses a controller coupled to the actuator and configured to transmit a signal to the actuator to move the movable suspension assembly.

Appealed claim 24

Appellant argue that Evans et al in view of Novotny does not disclose a piezoelectric or electrostatic actuator that provides a detector with a signal that is proportional to vibration of a movable suspension assembly.

The Examiner disagree, because Evans et al., as described above, discloses that the actuator provides a detector with a signal that is proportional to vibration of a movable suspension assembly. Novotny further teaches that the actuator that is responsive to the head movement is a piezoelectric or electrostatic device (see col.1 lines 35-37).

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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Art Unit 2627

Conferees:

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